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NO _____

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FILED

APR 26 1983

ALEXANDER L. STEVAG,
CLERK

IN THE
SUPREME COURT
OF THE UNITED STATES
OCTOBER TERM, 1983

Dan Forney,
Petitioner

vs.

Samuel L. Rodgers, Commonpleas Judge
Washington County
Commonwealth of Pennsylvania,
Respondent

PETITION FOR WRIT OF PROHIBITION TO THE
COMMONPLEAS COURT OF WASHINGTON COUNTY,
COMMONWEALTH OF PENNSYLVANIA

Dan Forney, Petitioner
R. D. # 2
Avella, Pennsylvania 15312

QUESTION PRESENTED

1. Whether the County of Washington, Commonwealth of Pennsylvania has jurisdiction in commercial maritime power of limited liability for the payment of debts.

Parties to the Proceeding

Petitioner,

Dan Forney

Respondent,

Judge Samuel L. Rodgers

CASES CITED

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PETITION FOR A WRIT OF PROHIBITION TO THE
COMMONPLEAS COURT OF WASHINGTON COUNTY,
PENNSYLVANIA

Statement of Jurisdiction

The jurisdiction of this court is invoked
under Title 28, United States Code, Section
1651 (a)

Constitutional Provision Involved

United States constitutional, Article III,
Section II,

"...to all Cases of admiralty and maritime jurisdiction, ...those in which a state shall be a party, the Supreme Court shall have original jurisdiction."

STATEMENT OF THE CASE

On December 17, 1982 the Commonpleas Court of Washington County, Pennsylvania ruled in maritime limited liability for the payment of debts when it found this petitioner guilty of failing, refusing or neglecting to file final returns for earned income tax and pay taxes due, under Act 511; P.S. 53 sec. 6913, a limited liability act. This court further ruled on the 27th day of January, 1983 in limited liability for the payment of debts when it held this petitioner hostage against his will and ordered "payment" of costs of prosecution of this instant cause under the threat of immediate imprisonment. A timely appeal was taken to the Commonwealth Court of

Pennsylvania, a court of appeals. Since that time it has been discovered that the state courts cannot rule in commercial maritime limited liability for the payment of debts as this is reserved to the federal courts. Therefore, this petitioner is exercising his right of one appeal to the United States Supreme Court as per Article III, section II which is the only court competent to rule in this matter.

REASON FOR GRANTING THE WRIT

The County of Washington, Pennsylvania through its acts of forcing "payment" has usurped the commercial powers of Article III, sec. II, of the United States Constitution, which said commercial powers of maritime limited liability for the payment of debts are reserved for the United States government and the Federal District Courts.

LEGAL CLAIMS

The three requirements necessary for the Writ of Prohibition are present in the instant case:

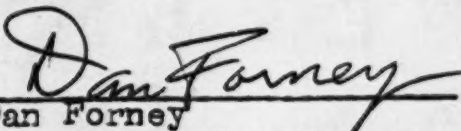
1. That the person it is directed against has exercised commercial maritime limited liability for the payment of debt powers.

2. That the exercise of said limited liability power by said persons is unauthorized by law.

3. That it has resulted in injury and will continue to result in further injury for which there is no other adequate remedy.

Wherefore, this petitioner prays to this Honorable Court, and requires the issuance of a Writ of Prohibition by this court directed to respondent Judge Samuel L. Rodgers, directing said judge to refrain and desist from any further proceedings in said action #406 of 1982. Also any further pending actions of the same nature which might come up in the future, and requiring said actions to be thence dismissed and for such other and further relief

as this Honorable Court seems proper and just.


Dan Forney, Petitioner

R.D.#2
Avella, Pennsylvania 15312

MEMORANDUM IN SUPPORT OF PETITION FOR
WRIT OF PROHIBITION

The issue framed by this petitioner herein whether the County of Washington, Commonwealth of Pennsylvania has jurisdiction in commercial powers of maritime limited liability for the payment of debts.

Under the Common Law there is no limited liability for the payment of debts. New Jersey Steam Navigation v. The Merchants Bank 6 Howard 342

As the Constitution at Article III, sec. II extends the judicial power of the United States to all cases of admiralty and maritime jurisdiction is held to be exclusive, the powers of legislation on the same subject must necessarily be in the National Legislative and

not in the State Legislature. Butler v.

Boston and Savannah Steamship Co. 130 U.S. 527

The entire admiralty power of the country is lodged in the United States judiciary and Congress intended by this ninth section to invest the district courts with this power as courts of original jurisdiction. The exclusive jurisdiction in admiralty cases was conferred on the National Government as closely connected with the grant of the commercial powers. New Jersey Steam Navigation v. The Merchants Bank (supra)

It is the duty of the Federal District Courts to expand on the subject of the commercial powers of maritime limited liability for the payment of debts and not the state courts. Butler v. Boston and Savannah Steamship Co. (supra)

The powers of Commercial limited liability for the payment of debt was granted to the United States Government under the United States Constitution and codified at 46 U.S.C. but nowhere is that power granted to the states.

Dan Forney
Dan Forney, Petitioner

VERIFICATION

Dan Forney having been duly affirmed,
hereby deposes and says that he has read the
above petition for Writ of Prohibition and
states the facts are true and correct to the
best of his limited knowledge, information
and belief.

Dan Forney
Dan Forney

AFFIRMED AND SUBSCRIBED BEFORE ME THIS 13th DAY
OF April, 1983.

Shirley Bonanno
Notary Public

My Commission expires:

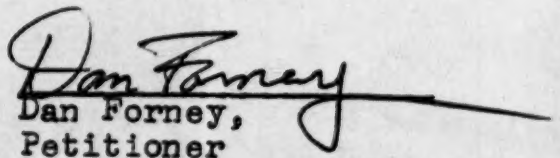
SHIRLEY BONANNO
NOTARY PUBLIC, WASHINGTON
WASHINGTON CO., PA.
MY COMMISSION EXPIRES
APRIL 3, 1985

SHIRLEY
NOTARY PUBLIC
WASHINGTON
MY COMMISSION
EXPIRES
APRIL 3, 1985

CERTIFICATION OF SERVICE

The undersigned certifies that true copies of the attached petition for Writ of Prohibition have been forwarded to the interested parties listed below via first class mail, postage prepaid and addressed to the following:

1. Samuel L. Rodgers, Judge
Commonpleas Court
Washington County Courthouse
North Main Street
Washington, Pennsylvania 15301
2. Office of the Prothonotary
Commonwealth of Pennsylvania
Sixth Floor, South Office Bldg.
Harrisburg, Pennsylvania 17120
3. Herman J. Bigl, District Attorney
Washington County Courthouse
North Main Street
Washington, Pennsylvania 15301
4. John W. McCreight, Solicitor
500 Washington Trust Building
Washington, Pennsylvania 15301


Dan Forney,
Petitioner

United States of America)
)
Commonwealth of Pennsylvania)
)
County of Washington)
)

S.S.

AFFIDAVIT

Dan Forney being duly affirmed according to law deposes and says:

1. I am Dan Forney, the person named as petitioner.

2. I live at law on the cash basis and have no insurable interest in a joint maritime adventure for profit under limited liability for the payment of debts.

3. It has always been my intent to live at law and these people will not let me alone and are trying to compel me into the maritime limited liability for the payment of debts by filing reports and forms.

And Further: I have no privileges or franchises granted by the state including the franchise (license) of marriage.

4. That the above is true and correct

to the best of my limited knowledge and belief.

Signed Dan Forney
Dan Forney

AFFIRMED AND SUBSCRIBED BEFORE ME THIS 13th
DAY OF April, 1983.

Shirley Bonanno
Notary Public

My Commission expires:

SHIRLEY BONANNO
NOTARY PUBLIC, WASHINGTON
WASHINGTON CO., PA.
MY COMMISSION EXPIRES
APRIL 3, 1985

SHIRLEY BON
NOTARY PUBLIC, W
WASHINGTON
MY COMMISSION
APRIL 3, 1